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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Allen T. Hopper et al.

Serial No.: 10/067,996

Group Art Unit: 1624

Filed: February 8, 2002

Examiner: Kahsay Habte

For: PHOSPHODIESTERASE 4 INHIBITORS

**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

**Timing and Fees**

- ☐ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- ☐ within three months of the filing date of a national application other than a CPA under § 1.53(d);
  - ☐ within three months of the actual filing date of the national phase of a PCT application; OR
  - ☐ before the mailing of a first substantive office action (including after filing of an RCE).
- ☐ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- ☐ a final rejection under 37 C.F.R. 1.113;
  - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
  - ☐ a notice of allowance under 37 C.F.R. § 1.311; and

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180.00 OP



is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
- ☐ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).

☒ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:

- ☒ a final action under 37 C.F.R. § 1.113;
- ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
- ☐ a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

- ☒ the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

- ☒ Each item of information contained in this information disclosure statement was a first cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- ☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. \_\_\_\_\_, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- ☒ The materials listed were cited in international search reports dated December 12, 2003 and January 1, 2004.
- ☒ Copies of the materials listed are attached.



### Non-English Language References

- ☒ English-language search reports or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
- ☐ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:
- X = document of particular relevance when it is taken alone  
Y = document of particular relevance when it is combined with another such document  
A = document defining the general state of the art  
O = non-written disclosure  
P = intercalated document  
T = document cited to understand the theory or principle underlying the invention  
E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date  
D = cited in the application  
L = cited for another reason  
& = publication of member of same patent family
- ☐ Translation of other relevant information on foreign search report

### Other Information

Enclosed is a copy of the partial International Search Report from International Application PCT/US 03/24914, which corresponds to related copending US Patent Application Serial No. 10/636,979. All of the references cited in the above-mentioned partial International Search Report are of record in the instant application except for WO 02/098878 and the article by Martin et al. WO '878 is the PCT publication of the International application corresponding to the instant application.

Also enclosed is a copy of the Search Report from International Application PCT/US 03/24676, which corresponds to related copending US application 10/636,996. All of the references listed in this International Search Report are of record in the instant application, except for the Abstract of JP 05-001066, the Abstract of JP 62-240622, the Abstract of JP 62-010085, EP 1043324 and WO 02/098878.

### Payment of Fees Due (If Any):

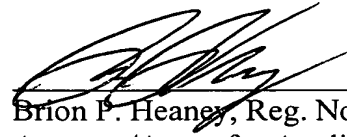
- ☒ A check for \$180.00 covering the fee identified above is attached.



☐ Please charge to Deposit Account No. 13-3402 \$\_\_\_\_\_ for the fee identified above.

☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



Brian P. Heaney, Reg. No. 32,542  
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Attorney Docket No.: MEMORY 2

Date: February 20, 2004

BPH/rrt



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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 2

### Complete if Known

Application Number	10/067,996
Filing Date	February 8, 2002
First Named Inventor	Allen T. Hopper
Group Art Unit	1624
Examiner Name	Kahsay Habte
Attorney Docket Number	MEMORY-2

### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Japanese Patent Abstract No. 05-001066 dated January 8, 1993	
		Japanese Patent Abstract No. 62-240622 dated October 21, 1987 ✓	
		Japanese Patent Abstract No. 62-010085 dated January 19, 1997 ✓	
		T. J. Martin, "PDE4 Inhibitors – A Review of the Recent Patent Literature", IDrugs, Vol. 4, No. 3, 2001, pgs 312-338.	

Examiner  
Signature

Date  
Considered

<sup>1</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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Sheet

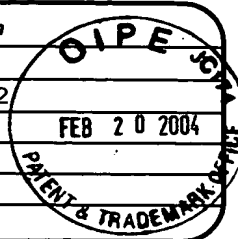
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of

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Filing Date	February 8, 2002
First Named Inventor	Allen T. Hopper
Group Art Unit	1624
Examiner Name	Kahsay Habte
Attorney Docket Number	MEMORY-2



## U.S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

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<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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